

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

20 CR 323 (AMD)

v.

TRAVA SELBY,

Defendant

TRAVA SELBY'S SENTENCING MEMORANDUM

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“...I can’t hide from my mistakes and have to answer for my actions...”

(Trava Selby, letter Exh. A p. 4. lns.10-12.)

PRELIMINARY STATEMENT

On April 30, 2024 Trava Edward Selby will be standing in front of Your Honor for sentencing. It has been a long path to April 30th.

Mr. Selby is 29 years old. The story of a young man incarcerated, with a missing father, a single mother, or in his case, a missing mother also, but raised by the grandmother and aunts, the lure of the streets is a well-worn story. A story I am sure that has been told in this very courtroom, the courtrooms in this building, as well as in state courtrooms in this city and throughout the land.

It could be a tiring paradigm. However, out of this narrative, the federal court system and the individual Judges in it, are still tasked with the heavy duty of deciding the fates of those in front of them, with the consequences to those sentenced, and the downstream consequences of the eventual sentence.

“Second chances” - is another well-worn couplet when family members appeal for leniency. Be forewarned, there are many pleas for second chances for Trava Selby, as well as sincere prayers in the letters written by his family members. Perhaps in looking at a person’s criminal history – “raps it would appear that a second or a third chance is being asked. In fact, in some ways Trava Selby was never gifted even a first chance.

It is not just about Trava Selby. It is about all the people he hurt. His family, those he love. The victim of the crime. He apologizes for what he has done. The pain he has caused. He has done so in his letter. Trava plans to do so in person, when he shows up to Court.

THE BACKGROUND

2018-2019

Trava was 23 years old in 2018. He was a high school graduate, and got a job at his alma mater, Thomas Jefferson High School. (Exh. B & PSR ¶73). He had bi-weekly payment direct deposited into his account. He was finally home after serving six months in Cuyahoga County, Ohio. He was back home in Brooklyn. He had a young son, and his significant other Aisinique Mathison, was with him. (Exh. C). It seems as if his life of crimes might be behind him. Trava felt he had corrected his course, and was headed in the right direction. On November 16, 2018 he was arrested in Kings County for a gun possession charge stemming from an incident in 2014. He was about 19 years old at the time. Trevor would make bail and be out for a year, until he was arrested on Nov. 21, 2019. From that point onward, he will be held in state or federal prison until the present. Trava was transferred from a New York state prison to federal custody on May 4, 2022. Soon thereafter he was arraigned on the operative superceding indictment. He ultimately pleaded guilty to Count Three which charges a *Conspiracy to Murder John Doe #1*. The time period for that count was: *in or about and between 2016 and the present, both dates being approximate and inclusive...*” The apex of the conspiracy charge was a shooting that occurred on November 23, 2016 in Brooklyn, N.Y. Trava Selby was 21 years old on November 2016.

Trava Selby’s Childhood

Today, Trava Selby is 29 years old. He was raised by his maternal Grandmother Rosa Selby. (Exh. D). Rosa lived and raised her family in East New York, Brooklyn. Rosa was born in Harlem. She met Columbus Williams and they raised seven children together. Mr. Williams was originally from the South, and came to New York to work as a landscaper. Lashawn is the

oldest son, now in his late 40s. Tyrese is the second son. Demitra is the oldest daughter, and the mother of Trava. Germaine, Latoya, Travis, and Samantha rounds out the family.

The family lived in *Long Island Baptist Housing* run by the New York City Housing Authority (NYCHA) at 428 Sheffield Avenue in a four bedroom, two bathroom apartment. Rosa, is currently 71 years old and retired. She worked many jobs in supporting the family including for NYC Human Resources Administration, in restaurants and many other jobs during her working years. Columbus worked originally as a landscaper, then primarily in construction. To support and feed a family of ten (themselves, their seven children and Trava) they were assisted by Supplemental Nutrition Assistance Program Benefits (SNAP) formerly known as *food stamps*.

Trava's mother

Demitra had Trava when she was 16 years old. See Demitra Selby's letter to the court. (Exh. E). Demitra was rarely home. Demitra gave Trava to Rosa and the family to raise. Despite how everything turned out, Aunts Latoya and Samantha commented it was "the best thing she [Demitra] ever did." Trava describes his relationship with his mother as "rocky" and that she acted as a mom and dad. (PSR ¶60). Trava's Aunts says that she may have been as a father and mother, but it was "from a distance." She [Demitra] will call, order what her child needs to do. Latoya believes that it was hard on Trava. Demitra had a second child, a daughter who is now six years old. Trava considers his younger sister as his other child (Exh. A p.4. Ins. 15-16). Trava's own son is two years older than his [Trava's] sister. Trava's mother is still unemployed and has been like that for as long as anyone can remember. (PSR ¶60).

Trava's father

Trava does not know who his father is. (PSR ¶60). In the PSR interview and in conversations with Trava, he is very guarded about his father. However, in the letter his pain and what is foremost in his mind is expressed when he writes:

...growing up my life has been always ruff not having a father around to look up too or not to even know him at all. All I really wanted in life was a loving and caring father who could of taught me all type of things in life but some how I got rob of that dream of meeting my father... ”

(Exh. A p.1, lns. 8-11)

Latoya says there were rumors about the identity of his father , but to this day, his identity is not known.

Cramped quarters

Trava lived in the house with his grandparents, Rosa and Columbus, his aunts LaToya and Samantha, and Uncles Germaine and Travis. Trava lived in one room with his uncle Travis and slept on the upper bunk of a bunk bed. (Exh. F). Germaine had a bedroom to himself. Latoya and Samantha shared a room and as did the grandparents. The two eldest uncles of Trava (Lashawn and Tyrese) had already left the residence. The family reports a good family environment, with extended family members dropping in and out of the house. The only disruption was when Trava's mother would return and visit the family. The last time that Trava saw his mother was at his plea on October 24, 2023. Prior to that, it was seven years ago.

Grandma Rosa never wanted Trava to go outside of the house. Trava would accompany Rosa to church. However, as he became a teenager, it was harder for him to stay inside the cramped household. He loved playing basketball, and he would stay out. It did not seem anything out of the ordinary for a teenager to want to stay outside and play ball.

Loss

Trava Selby's great uncle Charles passed away in the fall of 2023. Charles was the younger brother of Rosa Selby. He died of a blood disease, and Trava mourns his death, and feels guilty that he was not able to attend his funeral.

However, the most devastating loss is the death of his grandfather Columbus Williams. Mr. Williams passed away on March 27, 2020 of Covid. (Exh. G). Trava was still in state custody before he was transferred to the MDC for the instant case. Trava still does not know about the death of his beloved grandfather. Trava has expressed his gratitude to the "all the females" in his life. (Exh. A p.1, ln 13). Columbus Williams was the male figure that was closest to being his father. His family members believe Trava's sense of loss would be too if knew, therefore is waiting for the right time to inform him.¹

Besides, the tangible loss of Uncle Charles, most painful to Trava is the loss of time with his son. Trava spends over two pages expressing his sense of loss in his letter to the Court. (Exh. A, pp.2-top of 4).

¹ The family has given me permission to share this with the Court.

I have been locked up since he was two years old. Its hurting me and him that Im am not there to able to do my duties as a father for my son. Im missing out on so much in his life right now.

(Exh. A p.3 lns.13-16)

It pains Mr. Selby that when his son asks:

When are you coming home and I don't want to give my son a date and not come home on that date so Im am not going to start lying to him at all so what I do tell him is that Im coming home soon which is true but I know that is not what he want to hear.

(Id. p. 4, lns 1-6)

When I visited Trava at the Philadelphia – FDC, he expresses the same sentiment. Trava says it “breaks him up” when his son asks when he is coming home.

Love and a supportive family

With all these losses, Trava Selby is not someone who is looking for pity. When released Trava will return to a supportive family. The matriarch of the family, Rosa, is clearly a woman of faith, and expresses that in her letter. Rosa Selby was present along with many members of the family when Trava Selby pleaded guilty on October 24, 2023. Their expressions of love and support is exemplified by Latoya Selby’s letter which reads: “please send him back to me and his family we all need him and love, missing him soooo much!!!!” (Exh. H).

Latoya has finally left New York City, and have been living in West Haven, Connecticut with her family for three years. Samantha, is planning on moving to Atlanta, GA and open a beauty

salon there. See Samantha Selby's letter. (Exh. I). Both welcome and encourage Trava to come live with them, provide him with a fresh start in life once he is released from jail.

Conditions at the MDC. A face slashing (his own) lands him five months in the SHU

On May 26, 2023 while Trava Selby was watching television in an MDC lounge, an inmate slashed him on the left side of the face. Mr. Selby tried to defend himself, while a second inmate attacked him. It would require about 10 stitches to close his wound. He was sanctioned to 27 days in the Special Housing Unit (SHU), as was the initial aggressor for fighting. (Exh. J). To this day, Mr. Selby does not know why he was attacked. Ultimately, he would spend the rest of his days at the SHU in MDC Brooklyn until the end of October 2023, after his plea on October 27, 2023. Mr. Selby was moved to the Philadelphia Federal Detention Center (FDC). He would have spent a total of five continuous months in the SHU.

The conditions at the MDC – Brooklyn are well documented. Judge Furman's Opinion and Order describes the horrifying conditions of the MDC. (U.S. v. Chavez, 22cr303 (JMF) Jan. 4, 2024). However deplorable the conditions are in the general population at the MDC, they cannot come close to what they are in the SHU. The SHU is on the top floor of the MDC. Trava was afforded one hour a day in an open air pen – a little larger than his cell, ostensibly for exercise and recreation. Trava and his cellmate would be led into one pen, as the other inmates and their cellies were placed in separate pens. He endured this for five months. However, difficult visiting inmates were for the general population, it was exponentially more difficult to visit someone at the SHU. To his credit, on my second visit to him at the SHU, unsolicited, he handed over a draft of the letter we eventually appended here as Attachment A. It was 11

handwritten pages on much smaller pages. There was not a single correction. He said when he made a mistake, he would start over again until he finished the letter without a single correction.

Clearly, Trava Selby had time to reflect and write.

PLEA AGREEMENT AND GUIDELINES CALCULATION

Trava pleaded to Count Three of the indictment. Count Three charges Conspiracy to Commit Murder in Aid of Racketeering (18 USC §1959(a)(5)) which carries a maximum term of 10 years and a no statutory minimum.

Murder Conspiracy (Count Three)

Base Offense Level (§§ 2E1.3(a)(2), 2A2.1(a)(1)).	33
Defendant was an organizer or leader (§ 3B1.1(a))	+4
Sub- TOTAL	37
Two level reduction (USSG §3E1.1(a))	-2
One level reduction (USSG §3E1.(b))	-1
TOTAL	34

The plea agreement estimates Trava Selby's Criminal History Category as CHC IV. (Plea Agmt. ¶2). Probation subsequently released their PSR and computed Trava's criminal history score of 10 and the resulting CHC as V. (PSR 1/25/14 ¶52-53). After the PSR was released, the U.S. Attorney's office acquired documents from Cuyahoga County, Ohio indicating that Mr. Selby was sentenced to 180 days jail for an arrest that reflected no disposition in PSR ¶57. Two additional history point is added resulting in 12, however his CHC should still remain at V. Trava's Guidelines should be at 235-290 months. The statutory maximum is still at 120 months.

ARGUMENT

Trava Selby faces a maximum of 10 years for Conspiracy to Commit Murder in Aid of Racketeering (18 USC §1959(a)(5)). However his guidelines is high, doubling the 120 months.

To a great extent what drives his guidelines up is his criminal history category. Today, Trava Selby is 29 years old. Most of his criminal dispositions were for activities when he was a teenager or in his early twenties.

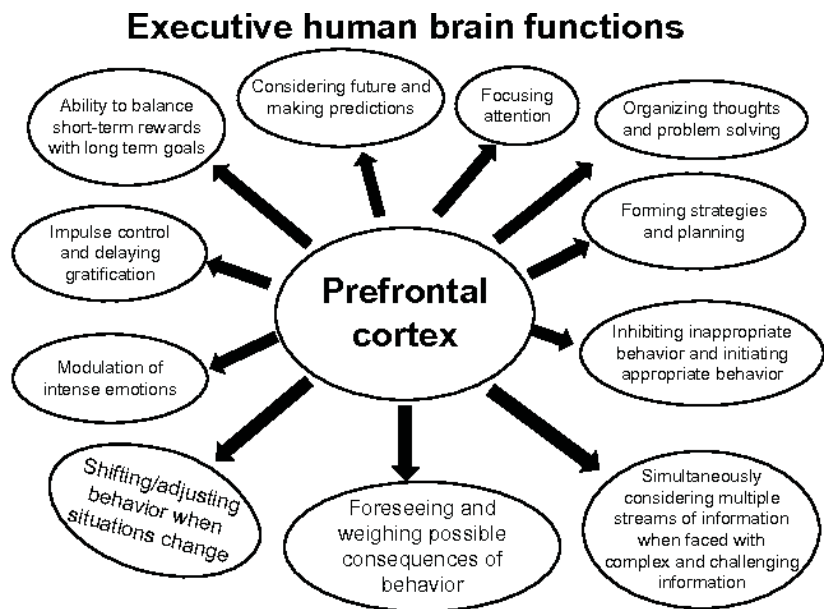
Trava expresses a desire to join the army in his letter. (Exh. A p.2). He also expresses a desire to be a professional boxer and be one by the time he is 31. (Id. pp 2 & 4). Count Three of which he pleaded guilty to, the shooting happened on November 23, 2016. Trava was 8 years younger than he is today. When he was arrested on November 16, 2018 (PSR ¶50) it was for something he did in 2014, when he was 19. All those times in his life, he was legally an adult, and perhaps at 19 better suited to joining the army. He states that he has a learning disability.² Trava says that he was diagnosed with it, and that he was in an Intensive Education Program (IEP) throughout his school years. Ms. Arianna Lewis a retired Assistant Principal of Security while Trava was attending Thomas Jefferson High School writes that it was a challenge for Trava to obtain a High School diploma, and yet he did. (Att. B). Trava's history, absent parents, physical environment would challenge even the most resilient of individuals.

In 2018-19 it seemed that he made some progress in heading in the right direction. He achieved some stability in his life. However, "his mistakes, his actions" from a time before he became a father, before he got his first real job at his former High School caught up with him and he has to "answer for them." (Exh. A p.4, lns 10-12). When he was 19 and 21 by his own

² We are still trying to find a written diagnosis of any learning disability Trava may have been given.

admission he was still immature. A statement supported by science. “It is well established that the brain undergoes a ‘rewiring’ process that is not complete until approximately 25 years of age.”³ “The prefrontal cortex is one of the last regions of the brain to reach maturation, which explains why some adolescents exhibit behavioral immaturity. There are several executive functions of the human prefrontal cortex that remain under construction during adolescence. The fact that brain development is not complete until near the age of 25 years refers specifically to the development of the prefrontal cortex.”⁴ “The prefrontal cortex offers an individual

the capacity to exercise good judgment when presented with difficult life decisions...it is responsible for cognitive analysis, abstract thought, and the moderation of correct behavior in social situations.”⁵



³ “Maturation of the Adolescent Brain,” *Neuropsychiatric Disease and Treatment*, 2013:9 449-461.

⁴ *Id.*

⁵ *Id.*

Defendants conduct outlined

Of Mr. Selby's Pre-sentence report, we have asked for ¶¶12-18, ¶¶21-24, ¶¶ 27-32, and ¶20 to be removed as they can be prejudicial (Addendum to PSR 3/27/2024). Officer Houlton noted that it is the practice of the probation department in multi-defendant cases to include all know conduct, so the Court can have an accurate assessment of Mr. Selby's role. Rather, than be prejudicial, the Probation department believes that in Mr. Selby's case, where he is not involved as described, it can be beneficial to him to show limited involvement. (Id.) During the time period of 2016 to the present (Count Three) Mr. Selby has spent a good amount of that time incarcerated. As described above, under the most harsh and severe of conditions.

He has lost much, some of which he is still unaware of. Of the loss of which he is aware, the ticking of the seconds, minutes, hours, months and possibly years that he will not be able to spend with those he loves, he does not want to waste any of it. In the SHU besides the 11 page letter he drafted, he also completed five certifications:

- 1) Turning Points: coping module, 2) Turning Points: preparing to change module, 3) The managing my emotions workbook, 4) Turning Points: Attitudes Module and 5) The My Healthy Thinking Workbook. (Exh. K).

These are modest accomplishments, but Trava has expressed his deeper desire to change.

... I can have rebirth, rehabilitate my mental abilities to change how I function, how I think, how I react to things, and situations since my incarceration I have been working on my self excessively.

Trava Selby (Exh. A p. 6, bottom)

Most of all is his contrition. Contrition is something, Mr. Selby wants to address personally to the Court when he shows up for his sentencing.

CONCLUSION

Trava Selby is in distress. What he committed is the most serious of crimes. Sometimes, it takes a new life, like his son's to appreciate the gravity of what he tried to do. He has expressed a deep commitment to being a better person, and helping others. We respectfully request a sentence that is way below the statutory maximum of 10 years. Such a sentence "would be sufficient but not greater than necessary to achieve the statutory purposes under 18 U.S.C. 3553(a).

Dated: New York, New York
April 16, 2024

Respectfully submitted,

Jin P. Lee

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